

SEP 11 2007 PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 31781**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Martha Martin
Type or print nameMartha Martin
SignatureSeptember 11, 2007
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

FILED: March 14, 2000

FOR: Organic Compounds

Examiner:

Kuo-Liang Peng

Art Unit: 1712

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SEP 18 2007

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

PETITION UNDER 37 C.F.R. §1.137(B)**TO REVIVE APPLICATION ABODONNED UNINTENTIONALLY**

Dear Sir:

This is a petition to revive the subject application abandoned unintentionally in accordance with 37 C.F.R. §1.137(b). The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 states that Applicants failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.


Applicants hereby authorize payment of the petition fee of \$1500 and other necessary fees by debit of their Deposit Account No. 50-2965 in accordance with 37 C.F.R. §1.17(m).

Adjustment date: 02/20/2008 CKHLOK
09/13/2007 RMEBRAHT 00000002 502965 09525158
01 FC:1453 1500.00 CR

09/13/2007 RMEBRAHT 00000002 502965 09525158
01 FC:1453 1500.00 DA

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: 02/14/07		2 Serial/Patent # 09/525,158		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
X	Petition 1453	12	09/11/07	\$ 1,500.00
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 1,500.00
		8 TO BE REFUNDED BY:		
10 REASON:			Treasury Check	
	Overpayment	X	Credit Deposit A/C #:	
X	Duplicate Payment		9 5 0 -- 2 9 6 5	
	No Fee Due (Explanation):			
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: Douglas I. Wood		TITLE: Senior Petitions Attorney		
SIGNATURE: /douglas wood/		PHONE: 571-272-3231		
OFFICE: Office of Petitions				

THIS SPACE RESERVED FOR FINANCE USE ONLY:				
APPROVED: 		DATE: 2/20/08		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 31781

Applicants hereby authorize payment of the issue fee by debit of their Deposit Account 50-2965 without the issue fee authorization form PTOL 85 B, because Applicants have not received the Notice of Allowance and this form. Alternatively, Applicants respectfully request that a new Notice of Allowance with Form PTOL 85B be re-issued so that Applicant can pay the issue fee.

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

The entire delay in paying the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional. The failure to pay the issue fee was discovered on April 25, 2002, when Applicants received the Notice of Abandonment dated April 5, 2002. After having received the Notice of Abandonment dated April 5, 2002, Applicants filed the Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a), copy of which is attached herewith along with the Return-Receipt Post Card with US PTO stamp of date of May 28, 2002 as well as the petition's supporting documents (a copy (2 pages) of the docket record showing all received Office Actions and replies filed by Applicants' representative; email communication concerning non-receipt of the Notice of Allowance; and a statement of non-receipt of the Notice of Allowance from Jian Zhou, Applicants' representative). However, up to today, Applicants have not received yet the Decision on the Petition dated May 10, 2002. In order to expedite the petition process and issuance of the subject application, Applicants respectfully submit this petition to revive the subject application in accordance with 37 C.F.R. §1.137(b). Applicants submit that the failure to pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional, because Applicants have not received the Notice of Allowance and because Applicants timely filed a petition to withdraw holding of abandonment pursuant to 37 C.F.R. §1.181(a) on May 10, 2002.

Applicants respectfully request that this Petition to revive be granted.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. The Commissioner is hereby authorized to charge any other

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 31781

fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any
overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date:

Sept. 11, 2007

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

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CENTRAL FAX CENTER

SEP 11 2007

CIBA
Vision.
A Novartis Company11460 Johns Creek Parkway
Duluth, Georgia 30097MARTHA J. MARTIN
PATENT ADMINISTRATOR
PH: 678-415-3334

facsimile transmittal

To: Petition Office Fax: 571-273-8300
From: Jian Zhou Date: Sept. 11, 2007
Re: Application No. 09/525,158 Pages: 11

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

PLEASE CONFIRM RECEIPT AND DELIVERY.

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SEP 11 2007

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 001095

CERTIFICATE OF MAILING	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.	
Jennifer China Type or print name	<i>Jennifer China</i> Signature
	May 10, 2007 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

FILED: March 14, 2000

FOR: Organic Compounds

Examiner:

Kuo-Liang Peng

Art Unit: 1712

RECEIVED

SEP 18 2007

OFFICE OF PETITIONS

Assistant Commissioner for Patents

Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

COPY SENT TO BASLE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

PURSUANT TO 37 CFR §1.181(A)

Sir:

The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

The present application was held to be abandoned by the Examiner for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. However, Applicants' representative did not receive the Notice of Allowance. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A copy (2 pages) of the docket record

1

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 001095


showing all received Office Actions and replies filed by Applicants' representative is enclosed herewith as documentary proof of nonreceipt of the Notice of Allowance. A statement of nonreceipt of the Notice of Allowance from Jian Zhou, Applicants' representative, is enclosed herewith pursuant to MPEP §711.03(c)II.

Therefore, Applicants submit that the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance is improper and respectfully request that it be withdrawn and A Notice of Allowance be remailed.

CONCLUSION

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 10, 2002

Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901

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OFFICE OF PETITIONS

Case No. CLN-30880, 116V2112
 Application No. 09/525,158
 Mailing Date: May 10, 2002
 Due Date: June 5, 2002

Express Mail No.: _____

The Patent & Trademark Office acknowledges, and has stamped
 hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$ 4234567
- ☐ Appln. Filing Papers - Fee \$ _____
- ☐ PCT National Stage
- ☐ Provisional Application
- ☐ CPA ☐ DIV ☐ EPO ☐ JPO ☐ KIP
- ☐ Specification 1 Pg's
- ☐ Executed/Unexecuted Decl. - Fee \$ _____
- ☐ Missing Parts/Missing Res. 1 Pg's
- ☐ Preliminary Amendment
- ☐ Claim of Priority ☐ Certified Copy(s) 1
- ☐ Amendment After Final
- ☐ Notice of Appeal - Fee \$ _____
- ☐ Appeal Brief - Fee \$ _____
- ☐ Issue Fee Payment \$ _____
- ☐ Assignment Rec. Req. - Fee \$ _____
- ☐ Formal Drawings _____ Pg's
- ☐ IDS _____ Pg's - Fee \$ _____
- ☐ PTO-1449 Form _____ Pg's
- ☐ Pet. for Ext. of Time - Fee \$ _____
- ☐ Pet. to Convert to Prov. Appln. - Fee \$ _____
- ☐ Seq. Listings _____ Pg's/Seq. Disk

SSZ Petition to Withdraw HOLDING
OF ABANDONMENT

82972/99A

Developer/2000 Forms Runtime for Windows 95 / NT - [DOKD0030 in PROD as ops\$rethwfi from g:\appdata\patap\dok\dok...

PATENT DOCKET MANAGEMENT SYSTEM
CASE DOCKET & HISTORY05/07/2002
10:00:25PEX DY CASE No. (s) LINEAGE CGC No. ATTORNEY
CL V 30880/A
SERIAL No: 09/525,158 STATUS: PENDING CGV 2112 ZHOUJI1
DATE FILED: 03/14/2000 EFF DATE: 03/14/2000 JZ FAMILY
UK CASE: 15764

Debit To

BA
US
NA

DATE ABAN:

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE
ZHOUJI1	PTO: 04/05/2002	ABNO NOTICE OF ABANDONMENT
JZ	CASE DUE: 06/05/2002	RESP RESPONSE
ATTORNEY		
ZHOUJI1	PTO: 06/21/2001	NONA NOTICE OF NON-COMPLIANT AME
JZ	CASE DUE: 07/21/2001	RESP RESPONSE
TYPE: RESP	07/03/2001	RESP RESPONSE
ATTORNEY		
GORMARO	PTO: 03/12/2001	O.A. OFFICE ACTION
RJG	CASE DUE: 06/12/2001	RESP RESPONSE
TYPE: RESP	06/08/2001	RESP RESPONSE
ATTORNEY		
GORMARO	PTO: 06/21/2000	FREC FILING RECEIPT
RJG	CASE DUE:	
TYPE: RESP		

EXPENSE

DATE DEBITED

EXPENSE

DATE DEBITED

EXPENSE

DATE DEBITED

EXPENSE

DATE DEBITED

Record 21/9

List of Values

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Developer/2000 Forms Runtime for Windows 95 / NT - [DOKD0030 in PROD as opened from g:\appdata\patap\dok\dok...]

PATENT DOCKET MANAGEMENT SYSTEM

JOKD0030

05/07/2002 10:00:25

PEX DV CASE No. (s) LINEAGE CGC No. ATTORNEY

CL V 30880/A STATUS PENDING CGV 2112 ZHOUJI1

SERIAL No: 09/525,158 DATE FILED: 03/14/2000 EFF DATE: 03/14/2000 IJZ FAMILY

UK CASE: 15764

Debit To

BA
US
NA

DATE ABAN

ATTORNEY DATE CODE DESCRIPTION EXPENSE DATE DEBITED

GORMARO PTO: 05/16/2000 MSPT MISSING PARTS 130.00 07/20/2000

RJG CASE DUE: 07/16/2000 SUSD SUBMIT SIGNED DECLARATION

TYPE: RESP: 06/07/2000 SUDE SUBMITTED DECLARATION

GORMARO PTO: 03/24/2000 RECC RECEIPT CARD

RJG CASE DUE: 06/14/2000 PAS3 PRIOR ART (3 MOS)

TYPE: RESP: 08/30/2000 IDST INFORMATION DISC/STATEMENT

GORMARO PTO: 02/25/2000 NBAA NEW BASLE APPLICATION

RJG CASE DUE: 03/30/2000 FNBA FILE NEW BASLE APPLICATION

TYPE: RESP: 03/14/2000 FNBA FILE NEW BASLE APPLICATION

GORMARO PTO: 02/26/2000 UNDA UNSIGNED DECLARATION/ASSIGN

RJG CASE DUE: 03/14/2000 UNDE UNSIGNED DECLARATION

Record 9/9

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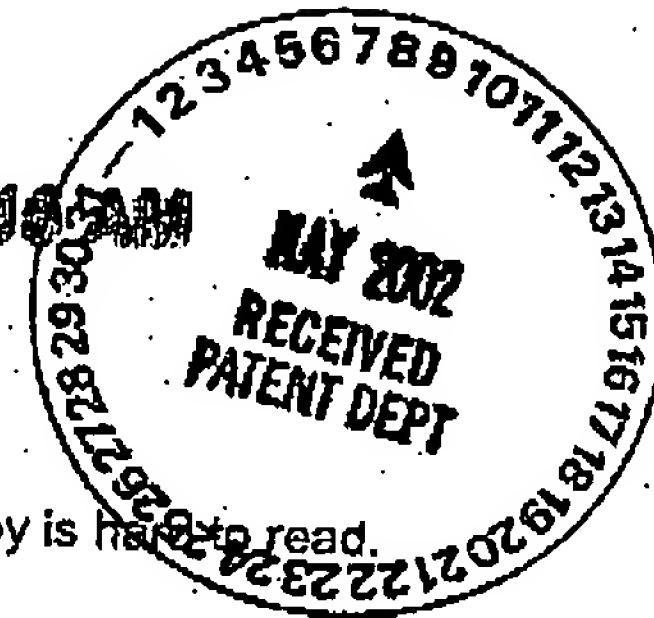
SEP 18 2007

OFFICE OF PETITIONS

Linda Rothwell

05/07/2002 10:18 AM

To: jian.zhou@cibavision.novartis.com @ N1
cc: jennifer.china@cibavision.novartis.com@N1
Subject: Re: Help



I will fax it to you now and send the hard copy overnight in case the fax copy is hard to read.

Linda

jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM



jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM

To: Linda Rothwell/PH/Novartis@PH
cc: jennifer.china@cibavision.novartis.com
Subject: Help

Linda,

We need your help regarding Case CL/V-30880/A/CGV2112.

Thank you for forwarding the Notice of Abandonment for the above-referenced case with your short note. Since we never received the Notice of Allowance for this case, we can file a no-fee petition to request withdraw holding of abandonment pursuant to MPEP 711.03(c)(II). However, we need a showing to establish non-receipt of an Office Action, namely, a copy of the docket record where the non-received Office Communication would have been entered had it been received and docketed. Could you please provide a print-out of the docket record solely for this case CL/V-30880/A/CGV/2112? Thank you for your help.

Best regards,

Jian

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Docket No.: CLV-30880/A/CGV2112
Cust. No. 001095

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Jennifer China
Type or print name

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

FILED: March 14, 2000

FOR: Organic Compounds

Examiner:

Kuo-Liang Peng

Art Unit: 1712

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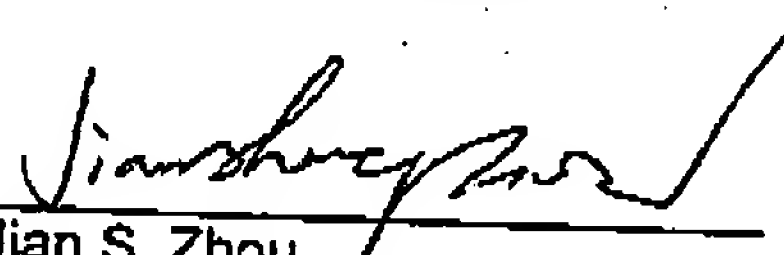
OFFICE OF PETITIONS

Assistant Commissioner for Patents
Box DAC, Attn.: Art Unit 1712
Washington, D.C. 20231

STATEMENT OF JIAN S. ZHOU

I, Jian S. Zhou, state that I did not receive the Notice of Allowance and attest that a search of the file jacket and docket records indicates that the Notice of Allowance was not received.

Respectfully submitted,


Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 10, 2002

Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901